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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,931	08/29/2002	Matthew J. Poduska	02P1546	2356

24234 7590 02/18/2005

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EXAMINER

AMIN, NIRAV S

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,931

Applicant(s)

PODUSKA ET AL.

Examiner

Nirav S Amin

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2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Frantz (USPN: 6,003,070).

As per claim 1, Frantz discloses:

an expansion card (33) disposed in said industrial personal computer and coupled to said host CPU;

the expansion card having an expansion card microprocessor therein [Column 6, lines 21-26];

translation software disposed in said industrial personal computer and coupled to and executed by at least one of said host CPU and said expansion card microprocessor [Column 6, lines 21-26];

said translation software, when executed, configured to convert an incoming SMTP formatted reconfiguration message into a second format which is capable of causing a reconfiguration of a parameter which is monitored at least in part in reliance

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upon operation of said expansion card microprocessor [Column 2, lines 40-45; Column 4, lines 43-51].

As per claim 12, Frantz discloses:

using, at said first location, a wizard software program to generate an SMTP message which is representative of an instruction to change a parameter of a management appliance which is located at a second location which is remotely located from said first location [Column 4, lines 34-35; Column 2, lines 36-45];

transmitting said SMTP message to said management appliance [Column 2, lines 36-45];

translating said SMTP message, at said second location, into a management appliance reconfiguration instruction [Column 4, lines 43-51]; and

reconfiguring a monitoring parameter of said management appliance in response to receipt of said management appliance reconfiguration instruction [Column 4, lines 43-51].

As per claim 15, Frantz discloses:

a management appliance located at a first location, which is configured to monitor a personal computer [Column 2, lines;15-19];

said management appliance being configured to receive an SMTP message [Column 2, lines 36-39]; and

means for translating said SMTP message into an instruction for reconfiguring a monitoring parameter of said management appliance [Column 2, lines 40-45; Column 4, lines 43-51].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-11, 13-14, 16-19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frantz.

As per claim 20, Frantz discloses:

a first computer, at a first location, which is configured to send and receive SMTP e-mail messages over an internet connection [Column 4, lines 34-36];

a first wizard program, disposed on said first computer, said first wizard program configured to generate an SMTP broadcast message which is representative of a management appliance reconfiguration signal and further for addressing said SMTP broadcast message to a plurality of email addresses [Column 3, lines 21-26];

where each of said plurality of email addresses is uniquely associated with a different one of a plurality of management appliances [Column 3, lines 21-26];

e-mail transmitting means for transmitting said SMTP broadcast message over said internet connection [Column 3, lines 21-26]; and

means for monitoring environmental and application software events occurring in said host computer, where said means for monitoring has a plurality of reconfigurable monitored parameters [Column 2, lines 15-18]; and

means for translating said SMTP broadcast message into reconfiguration instructions which are configured to change said plurality of reconfigurable monitored parameters [Column 4, lines 43-51]; and

means for generating and transmitting a confirmation e-mail, addressed to an e-mail address for said first computer, after receipt of said SMTP broadcast message via said out-of-band communication port [Column 4, lines 34-36].

Frantz does not expressly disclose:

an expansion card, configured to mate along one side with an internal PC bus when said internal PC bus is conforming to a first predetermined bus standard and is alternately configured to mate along an opposite side with said internal PC bus when said internal PC bus is conforming to a second predetermined bus standard;

a communication port which is out of band with respect to a primary communication port for a host computer;

said expansion card adapted to receive only power through said internal PC bus;

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include an expansion card, which is compatible with multiple bus standards for greater flexibility, and receives only power through the bus and include a

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communication port, which is out of band with respect to a primary communication port for a host computer.

As per claim 2, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to generate a confirming e-mail message at least indirectly in response to receipt of said incoming SMTP formatted reconfiguration message.

As per claim 3, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to execute the translation software on said expansion card microprocessor.

As per claim 4, at the time of the invention, it would have been obvious to a person of ordinary skill in the art wherein the parameter is an environmental parameter of the industrial personal computer.

As per claim 5, at the time of the invention, it would have been obvious to a person of ordinary skill in the art wherein the parameter is a parameter of an application software program running on said host CPU.

As per claim 6, at the time of the invention, it would have been obvious to a person of ordinary skill in the art wherein the parameter is an operational parameter of said expansion card.

As per claims 7 and 8, at the time of invention, it would have been obvious to a person of ordinary skill in the art to include a monitoring computer coupled to a network connecting with said industrial personal computer, and at least indirectly with said expansion card; an SMTP message-generating wizard software program, disposed on and executed by said monitoring computer, said wizard software program being configured to create an SMTP message representative of instructions to change said parameter.

As per claim 9, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a plurality of industrial computers which are remotely located with respect to said monitoring computer and each of said plurality of industrial computers includes a monitor expansion card therein which is configured to translate said SMTP message into an instruction which reconfigures a parameter of said monitor expansion card.

As per claim 10, at the time of the invention, it would have been obvious to a person of ordinary skill in the art wherein the monitor expansion card is an environmental monitor,

As per claim 11, at the time of the invention, it would have been obvious to a person of ordinary skill in the art wherein the monitor expansion card is an application software monitor.

As per claim 13, at time of the invention, it would have been obvious to a person of ordinary skill in the art to address at first location, SMTP message to a plurality of e-mail addresses corresponding to a plurality of management appliances which are remotely located from first location and transmitting the message to plurality of email addresses.

As per claim 14, at time of the invention, it would have been obvious to a person of ordinary skill in the art to generate a confirmation return e-mail message after receipt of said SMTP message.

As per claim 16, at time of the invention, it would have been obvious to a person of ordinary skill in the art wherein the management appliance is an expansion card disposed in and coupled, via an internal bus, to said personal computer.

As per claim 17, at time of the invention, it would have been obvious to a person of ordinary skill in the art wherein the SMTP message is an e-mail message addressed to a plurality of e-mail addresses.

As per claim 18, at time of the invention, it would have been obvious to a person of ordinary skill in the art wherein the management appliance receives SMTP via an out-of-band connection with respect to said personal computer.

As per claim 19, at time of the invention, it would have been obvious to a person of ordinary skill in the art wherein the management appliance receives power only through the internal bus.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav S Amin whose telephone number is (571) 272-3821. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NA



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